

**WEAPONS REVISIONS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen E. Sandstrom**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill modifies weapons provisions of the Utah Criminal Code on carrying, displaying, and using a dangerous weapon.

**Highlighted Provisions:**

This bill:

- ▶ provides for the open carrying of a firearm and communication of that fact to another person by the one carrying the firearm;
- ▶ provides for the drawing or exhibiting of a firearm by an individual who reasonably believes that the individual or another person is threatened with bodily harm;
- ▶ provides for an investigative procedure by a peace officer of instances that appear to involve the justifiable use of force; and
- ▶ makes certain technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-506**, as last amended by Laws of Utah 1992, Chapter 101

---

---



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **76-10-506** is amended to read:

30 **76-10-506. Openly carrying a firearm -- Drawing or exhibiting -- Investigations --**  
31 **Threatening with or using dangerous weapon in fight or quarrel.**

32 (1) An individual who is not prohibited from doing so by federal or Utah state law  
33 may:

34 (a) openly carry a firearm; and

35 (b) communicate to another person the fact that the individual has a firearm.

36 (2) If an individual who is carrying a firearm reasonably believes that the individual or  
37 another person is threatened with bodily harm, the individual may warn or threaten the use of  
38 force, including deadly force against the aggressor, including drawing or exhibiting the firearm.

39 (3) If a peace officer is conducting an investigation of an incident that appears to have  
40 or is alleged to have involved the justifiable use of force under Subsection (2), the officer shall  
41 conduct the investigation so as to disclose all evidence, including testimony, concerning the  
42 alleged offense that might support the apparent or alleged justifiable use of force.

43 ~~[Every person, except]~~ (4) Except as otherwise provided in Subsections (1) and (2) and  
44 for those persons described in Section 76-10-503, an individual who~~[, not in necessary self~~  
45 ~~defense in the presence of two or more persons,]~~ draws or exhibits ~~[any]~~ a dangerous weapon,  
46 not in self-defense of the individual or another person, in an angry and threatening manner or  
47 unlawfully uses the ~~[same]~~ weapon in ~~[any]~~ a fight or quarrel is guilty of a class A  
48 misdemeanor.

---

---

**Legislative Review Note**  
**as of 1-5-10 3:17 PM**

**Office of Legislative Research and General Counsel**

---

---

**H.B. 78 - Weapons Revisions**

**Fiscal Note**

2010 General Session

State of Utah

---

---

**State Impact**

Enactment of this bill will not require additional appropriations.

---

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

---